

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TRICIA ENE, individually and on behalf of §  
all others similarly situated, §  
§  
Plaintiff § §  
§ C.A. NO. 4:09-CV-02453  
vs. § §  
§ JURY TRIAL DEMANDED  
MAXIM HEALTHCARE SERVICES, INC. § §  
§  
Defendant. § § COLLECTIVE ACTION  
§ § PURSUANT TO 29 U.S.C.  
§ § § 216(b)

**DEFENDANT'S UNOPPOSED MOTION TO SUBSTITUTE COUNSEL**

Defendant Maxim Healthcare Services, Inc. (“Maxim”) files this Unopposed Motion to Substitute Counsel and respectfully shows the Court the following:

1. Maxim seeks to substitute new counsel in this matter and permission for its previous counsel to withdraw from this matter.
2. The new counsel shall be MORGAN LEWIS & BOCKIUS LLP. The contact information for the new counsel is:

Alfred John Harper II  
Alfred John Harper III  
MORGAN LEWIS & BOCKIUS LLP  
1000 Louisiana Street, Suite 4000  
Houston, Texas 77002  
(713) 890-5000 Telephone  
(713) 890-5001 Facsimile  
aharper@morganlewis.com  
jharper@morganlewis.com

3. Maxim requests that Kerry E. Notestine and Danielle K. Herring, and the law firm of LITTLER MENDELSON, A PROFESSIONAL CORPORATION, be allowed to withdraw from this matter.

4. Maxim, new counsel, and withdrawing counsel consent to this substitution.
5. Plaintiff is unopposed to the substitution sought herein.
6. The withdrawal and substitution of attorneys is not sought for the purposes of delay.

7. Maxim requests that notices, copies of all communications and other documents filed in the above-referenced proceeding be served upon its new counsel at the above location.

WHEREFORE, Defendant Maxim Healthcare Inc. prays that its Consent Motion to Substitute Counsel be granted.

Respectfully submitted,

/s/ A. John Harper II  
Alfred John Harper II (Attorney-in-Charge)  
State Bar No. 09031000  
Federal ID No. 5158  
MORGAN LEWIS & BOCKIUS LLP  
1000 Louisiana Street, Suite 4000  
Houston, Texas 77002  
(713) 890-5000 Telephone  
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OF COUNSEL:

Alfred John Harper III  
State Bar No. 24032392  
Federal ID No. 16369  
MORGAN LEWIS & BOCKIUS LLP  
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(713) 890-5000 Telephone  
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SUBSTITUTING COUNSEL FOR  
DEFENDANT MAXIM HEALTHCARE, INC.

/s/ *Kerry E. Notestine*\*

Kerry E. Notestine (Attorney-in-Charge)  
State Bar No. 15116950  
Federal ID No. 2423  
LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
1301 McKinney Street, Suite 1900  
Houston, TX 77010  
(713) 951-9400 (Telephone)  
(713) 951-9212 (Facsimile)

\* w/ permission by Danielle K. Herring

OF COUNSEL:

Danielle K. Herring  
State Bar No. 24041281  
Federal ID No. 36896  
Stephanie Schmutz-Parente  
State Bar No. 24037444  
Federal ID No. 581876  
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1301 McKinney Street, Suite 1900  
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(713) 951-9400 (Telephone)  
(713) 951-9212 (Facsimile)

WITHDRAWING COUNSEL FOR  
DEFENDANT MAXIM HEALTHCARE, INC.

**CERTIFICATE OF CONFERENCE**

I certify that on August 13, 2010, MORGAN LEWIS & BOCKIUS LLP conferred with Michael Josephson, counsel for Plaintiff Tricia Ene, via telephone regarding this substitution of counsel, and Plaintiff's counsel has advised that he is unopposed to same.

/s/ *A. John Harper II*

A. John Harper II

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served in compliance with the Federal Rules of Civil Procedure on the 16th day of August, 2010, via the Court's CM/ECF System on the following:

Michael A. Josephson  
Fibich Hampton et al  
1401 McKinney, Suite 1800  
Houston, TX 77010  
(713) 751-0025

*/s/ A. John Harper II*

A. John Harper II